UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Response to Arguments

Applicant's arguments filed 9/2/08 have been fully considered but they are not persuasive.

The applicant argues in substance,

a) The Non-Final Office Action mailed on 12/31/07 and the Final Office Action mailed on 7/2/08 was defective due to grouping of claims.

In reply to a); The Office action mailed on 12/31/07 and 7/2/08 are deemed to proper. In those Office action, claims 1-58 are rejected under 35 USC 103(a) as being unpatentable over US Patent 7,159,014 issued to Kausik in view of US Publication 2004/0068579 issued to Marmigere et al.,

The examiner has followed the guidelines set forth in MPEP 706 and 37 CFR 1.104 (c) (1) and (2).

706 [R-5] Rejection of Claims

After the application has been read and the claimed invention understood, a prior art
search for the claimed invention is made. With the results of the prior art search, including
any references provided by the applicant, the patent application should be reviewed and
analyzed in conjunction with the state of the prior art to determine whether the claims
define a useful, novel, nonobvious, and enabled invention that has been clearly described
in the specification. The goal of examination is to clearly articulate any rejection early in
the prosecution process so that the applicant has the opportunity to provide evidence of
patentability and otherwise reply completely at the earliest opportunity. The examiner then
reviews all the evidence, including arguments and evidence responsive to any rejection,
before issuing the next Office action. Where the examiner determines that information
reasonably necessary for the examination should be required from the applicant under 37
CFR 1.105, such a requirement should generally be made either prior to or with the first
Office action on the merits and should follow the procedures in MPEP § 704.10 et seq.

Although this part of the Manual explains the procedure in rejecting claims, the examiner
should never overlook the importance of his or her role in allowing claims which properly
define the invention.

37 CFR 1.104. Nature of examination.

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(c) Rejection of claims.
   (1) If the invention is not considered patentable, or not considered patentable as claimed, the
claims, or those considered unpatentable will be rejected.
   (2) In rejecting claims for want of novelty or for obviousness, the examiner must cite the best
references at his or her command. When a reference is complex or shows or describes inventions
other than that claimed by the applicant, the particular part relied on must be designated as nearly as
practicable. The pertinence of each reference, if not apparent, must be clearly explained and each
rejected claim specified.

The applicant is reminded that mapping of claim limitations is a courtesy to the

applicant and is not a requirement set forth in the MPEP.

b) Kausik in view of Marmigere does not teach, "evaluating whether the response

has a status code that is actionable".

In reply to b); In response to applicant's arguments against the references

individually, one cannot show nonobviousness by attacking references individually

where the rejections are based on combinations of references. See *In re Keller*, 642

F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986).

The applicant's specification, para.0046, describes an actionable status code as

a list which my signify OK, no modified, no changes made, and others. Marmigere,

Fig.9, clearly shows actionable status codes, e.g. 200, 304, 301 which signify, OK, Not

modified, Redirect, respectively. Therefore, Marmigere teaches actionable status code

as described by the specification. Furthermore, Fig.9, teaches for each actionable

status code there is a relevant action to be taken, for instance, a "not modified" status

code is to "replace expriation_date" action. Therefore, Kausik in view of Marmigere

teaches, " evaluating whether the response has a status code that is actionable".

   c) Kausik in view of Marmigere does not teach, "reviewing the response to

determine whether the response includes a native expiration".

   In reply c); Kausik, col.5, lines 1-45, teaches a validation of whether an object

has expired or not. A determination of whether an object has expiration.   Therefore,

Kausik in view of Marmigere teaches when the status code is actionable, reviewing the

response to determine whether the response includes a native expiration.

   The applicant has argued that the "cache-control field" and the "native expiration"

are two different constructs. A native expiration broadly interpreted is merely when an

object expires. The cache-control field has an expiry-date in which an object maybe

cached, therefore, one ordinary skill in the art would interpret the expiry date of the

cache-control field as the native expiration.

   d) Kausik in view of Marmigere does not teach, "when the response includes the

native expiration, forwarding the response to the requestor".

   In reply to d); Kausik, col.1, lines 40-45, col.4, lines 43-46, teaches the user

requesting for a web document, the server sends the user the web document with

objects that have expiration dates. Marmigere, Abstract, Fig.1, further teaches proxy

cache server. Kausik in view of Marmigere teaches, when the response includes the

native expiration, forwarding the response to the requestor.

e) Kausik in view of Marmigere does not teach, "evaluating whether a content

type of the response is appropriate".

In reply to e); Marmigere, para.0057-0058, teaches checking a signature of

objects against a list and it is determined whether the signature of that object is either

on the list or not. One ordinary skill in the art interprets checking the signature against a

list, as "evaluating whether a content type is appropriate", since signatures on the list

would be considered to be appropriate and signatures not on the list would be

considered inappropriate.

f) Motivation to combine Kausik and Marmigere and hindsight for combination.

In reply to f); In response to applicant's argument that there is no suggestion to

combine the references, the examiner recognizes that obviousness can only be

established by combining or modifying the teachings of the prior art to produce the

claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to applicant's argument that the examiner's conclusion of

obviousness is based upon improper hindsight reasoning, it must be recognized that

any judgment on obviousness is in a sense necessarily a reconstruction based upon

hindsight reasoning. But so long as it takes into account only knowledge which was

within the level of ordinary skill at the time the claimed invention was made, and does

not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA

1971).

In this case, Marmigere, para.0001, system of determining whether to update

objects from a web content server, provides the motivation to combine with Kausik;

Kausik and Marmigere system teaches modification of expiration dates of objects.

g) Kausik in view of Marmigere does not teach, as per claims 3,17,25,36, 50,

"providing the amended response to other requestors that request the object, the

provided achieved without additional communication with server",

In reply to g); Kausik, col.5, lines 45-56, teaches the use of a proxy. Marmigere,

Abstract, also teaches a proxy cache server.Kausik in view of Marmigere teaches,

"providing the amended response to other requestors", since a proxy server, which is

well-known in the art, is a server that services requests of it's clients.

h) Kausik in view of Marmigere does not teach, as per claims 5,23,38,52,

"wherein the computed expiration is based on **at least one of** a response content type

and a response resource identifier".

In reply to h); Kausik, col.6, lines 18-30, teaches setting the expiry date based

on content type, e.g.image/gif.

i) Kausik in view of Marmigere does not teach, as per claims 6,24,39,53,

"wherein the computed expiration is based on at least one of a response content type

and a response resource identifier",

In reply to i); In response to applicant's argument that the references fail to show

certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., wherein the computed expiration is based on at least one of a

response content type and a response resource identifier) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

j) Kausik in view of Marmigere does not teach, as per claims 13,29,43,57, "when

the time-to-live is greater than a defined maximum, setting the time-to-live to be the

defined maximum; when the time-to-live is less than a defined minimum, forwarding the

response to the requestor".

In reply to j); Kausik, col.4, lines 41-62, col.6, lines 18-20; Marmigere, Figs.2-9;

teaches setting a time limit for objects. It is obvious to one ordinary skill in the art at the

time of the invention to have a defined maximum and defined minimum of time since

Kausik in view of Marmigere teaches setting a time limit for objects.